

## **REMARKS**

### **I. INTRODUCTION**

This amendment is filed in response to the Office Action mailed February 6, 2007. By this amendment, the claims pending as of the issuance of the Office Action (29-34) have been cancelled. The cancellation of those claims is without prejudice and is not an admission that those claims are not patentable.

Rather, after review, it has been determined that newly presented claims 35 and 36 more clearly define the present invention in a fashion which distinguishes the invention from the patent cited by the Examiner.

The Examiner will note that this application is a division of U.S. Patent Application No. 09/511,362, filed February 23, 2000.

Claims 35-36 are presented in this divisional application for the non-elected claims (54-55) of Group II in the parent application. Applicant respectfully submits that no new matter has been added.

### **II. INFORMATION DISCLOSURE STATEMENT**

Applicant notes the Examiner's comments which do not appear to require further response by Applicant.

### **III. THE CLAIM OBJECTIONS**

Newly presented claims 35-36 are in proper form. The informalities noted with respect to cancelled claims 30-34 is moot in view of the cancellation of those claims.

#### IV. REJECTION UNDER 35. U. S. C. 102(e)

Initially, Applicant does not concede that his invention was made after the filing date of the reference patent to Bachman (U. S. Patent 6.895.386).

Further, although the rejection was made with respect to now-cancelled claims, in an effort to assist the Examiner in making the most comprehensive and thorough assessment of the newly presented claims, Applicant wishes to set forth the following.

In the Office Action, Bachman at column 4, line 50-column 5, line 10 is cited as an anticipatory reference under Section 102(e). However, the cited passage makes it clear that Bachman is limited to so-called "co-branded" cards where "Company X" (the co-branded corporation) "agrees with the card issuing institution 2 to allow customers, particularly share holders in the corporation, to earn incentive points redeemable for stocks in the co-branded corporation."

Bachman's system is thus designed only for shareholders or other persons having financial ties to only one corporation. Further, in Bachman, the only value "points" (or rebates or rewards) earned by using the card are to purchase the stock of the co-branded corporation. The card has only one other class of persons who may use the card, employees of that corporation. See, e. g., Bachman, column 3, lines 36-39.

The Bachman system thus is a limited loyalty-incentive program, i. e., it is for the sole benefit of the co-branded corporation's employees and stock holders. This limited universe is described in detail beginning column 12, line 40 to column 13, line 13 of Bachman.<sup>1</sup>

By contrast, the present invention is strikingly different: it teaches the method for establishing second financial account, such as an investment or savings account, when a customer is issued a financial card, such as a credit or debit card. In the present invention, a customer's employment or stock holdings are irrelevant.

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<sup>1</sup> At column 12, lines 36-39, Bachman states that his points could, in addition to "purchasing stock in a corporation" be used to purchase "other assets, such as bonds and treasury bills". However, apart from that vague notion, Bachman does not teach how his system could be modified to permit the purchase of such other assets.

Moreover, unlike Bachman, the investments according to this invention are definitely not restricted to any customer's employer corporation (if any) or a corporation in which the customer has a stock interest.

The differences between Bachman and this invention are well-illustrated by the following steps set forth in new claim 35:

**(c) programming the computer system to link the customer's card to a second financial account for the customer wherein deposits or investments in said second account are:**

**(i) not restricted to purchases of stock in a corporation employing the customer or in which the customer owns stock; and**

**(ii) are not limited to a single corporation or other entity or asset;**

Claim 36, which depends from claim 35, adds a further feature which Bachman does not disclose or suggest, namely:

**wherein the rewards earned by the customer are valid only to fund the customer's said second account.**

Accordingly, without conceding that the Bachman patent is a reference under 35. U. S. C. 102(e), it is clear that new claims 35 and 36 are not anticipated by Bachman. It is further submitted that, in view of the fact Bachman teaches away from the all-inclusive customer base and diverse, non-limited investment strategy of this invention, the present claims are substantial improvements in the art which are not obvious when compared to Bachman.

## **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Appln. Serial No. 09/511,362

Attorney Docket No. 4704.000279

It is believed that no fees are due in connection with this application. However, if it is determined otherwise, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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